

GOVERNMENTAL OPERATIONS

Agency 100

Office of Attorney General

Recommendation Summary

Dollars in Thousands

	Annual FTEs	General Fund State	Other Funds	Total Funds
2009-11 Expenditure Authority	1,128.2	11,580	230,366	241,946
Total Maintenance Level	1,102.6	11,815	230,479	242,294
Difference	(25.6)	235	113	348
Percent Change from Current Biennium	(2.3)%	2.0%	0.0%	0.1%
Performance Changes				
Reduce Agency Legal Billings	(107.1)		(26,450)	(26,450)
Eliminate Specific Agency Billings	(.5)		(146)	(146)
Reduce Agency Overhead	(10.0)		(2,250)	(2,250)
New DSHS Sexually Violent Predators Litigation	24.0		9,089	9,089
Teck Cominco Metals Litigation			500	500
Restore DSHS Legal Services Funding	23.0		5,000	5,000
Unemployment Insurance - Employment Security Department	2.0		516	516
University of Washington Legal Services	.4		170	170
Reduction to Non-Agency Legal Services	(10.2)	(1,815)		(1,815)
Suspend Plan 1 Uniform COLA #		(212)	(3,169)	(3,381)
State Data Center Rate Increase			323	323
Subtotal	(78.4)	(2,027)	(16,417)	(18,444)
Total Proposed Budget	1,024.2	9,788	214,062	223,850
Difference	(104.0)	(1,792)	(16,304)	(18,096)
Percent Change from Current Biennium	(9.2)%	(15.5)%	(7.1)%	(7.5)%
Total Proposed Budget by Activity				
Administrative Activity	76.8	162	23,655	23,817
Civil Commitment of Sexually Violent Predators	41.5		14,415	14,415
Criminal Investigation and Prosecution	3.0	659		659
Enforcement of Anti-Trust Laws	8.0		3,042	3,042
Enforcement of Consumer Protection Laws	48.7	4,933	1,824	6,757
Executive Ethics Board	4.1		1,000	1,000
Homicide Investigation Tracking System	5.0	1,103		1,103
Investigation and Defense of Tort Lawsuits			298	298
Investigation and Prosecution of Medicaid Fraud and Resident Abuse	23.0	1,575	4,722	6,297
Legal Services to State Agencies	814.1	1,356	165,106	166,462
Total Proposed Budget	1,024.2	9,788	214,062	223,850

PERFORMANCE LEVEL CHANGE DESCRIPTIONS

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Reduce Agency Legal Billings

The Office of the Attorney General (AGO) will absorb a 12 percent reduction in the Legal Services Revolving Account at maintenance level. The AGO will work with client agencies to develop and implement stricter policies and best management practices regarding utilization of Attorney General services to achieve lower legal bills. (Legal Services Revolving Account-State)

Eliminate Specific Agency Billings

Because the Convention and Trade Center and Home Care Quality Authority will no longer be state agencies in the 2011-13 biennium, the Attorney General's Office billings for those agencies are removed from the Legal Services Revolving Account. (Legal Services Revolving Account-State)

Reduce Agency Overhead

The AGO will reduce agency overhead by 10 percent to reflect reduced legal services to state agencies. Ongoing savings may be achieved through efficiencies, workload reductions, or other implementation methods at the discretion of the AGO. (Legal Services Revolving Account-State)

New DSHS Sexually Violent Predators Litigation

The Attorney General's Office is provided funding and FTE staff positions in the 2011-13 Biennium for legal services relating to new trials for Special Commitment Center residents as a result of the McCuiston detainment decision. (Legal Services Revolving Account-State)

Teck Cominco Metals Litigation

Funding is provided in the 2011-13 biennium for one-time additional legal services to the Department of Ecology and the Department of Natural Resources associated with Pakootas, et al. v. Teck Cominco Metals Ltd. litigation. (Legal Services Revolving Account-State)

Restore DSHS Legal Services Funding

Funding and 23.0 FTE staff are restored for critical legal services to the Department of Social and Health Services. (Legal Services Revolving Account-State)

Unemployment Insurance - Employment Security Department

One-time funding is provided for legal services associated with unemployment insurance (UI) to be provided to the Employment Security Department. These additional funds should be re-evaluated based on the ongoing UI caseload. If the economy improves and the caseload declines, funding should not be continued in ensuing biennia. (Legal Services Revolving Account-State)

University of Washington Legal Services

Funding and 0.4 FTE staff are provided for ongoing legal services associated with the University of Washington's caseload relating to Airlift Northwest and the Real Estate Office for Metro Tract management. (Legal Services Revolving Account-State)

Reduction to Non-Agency Legal Services

In order to achieve general fund savings, the following programs will be reduced by these ongoing amounts: Consumer Protection (\$800,000), Homicide Investigation Tracking System (HITS) (\$500,000), and Criminal Litigation (\$515,000). In cases where counties request assistance from the Attorney General's Office, those counties may reimburse the office for its expenses. Reductions will limit the Attorney General's Office's ability to enforce consumer protection laws, update HITS, and assist counties in prosecuting difficult cases. (Legal Services Revolving Account-State)

ACTIVITY DESCRIPTIONS

Administrative Activity

The administrative function of the Office of the Attorney General includes the Attorney General's office, deputies and administrative support, financial services, human resources, and facilities staff.

Civil Commitment of Sexually Violent Predators

This Sexually Violent Predator Unit is responsible for investigating, prosecuting, and defending the commitments of all sexually violent predators in 38 of the 39 counties in Washington. The unit enhances public protection by developing and maintaining a group of highly skilled prosecutors and support staff who have expertise in the unique legal and mental health issues associated with sexually violent offenders. The unit handles all aspects of sexually violent predator cases including pre-filing investigation, pre-trial discovery and proceedings, trials; appeals at all levels; annual reviews, less restrictive alternative proceedings, and recommitment or release trials.

Criminal Investigation and Prosecution

When requested by the Governor, county prosecuting attorneys, or the Organized Crime Intelligence Unit of the Washington State Patrol, the Criminal Litigation Unit (CLU) investigates and prosecutes all levels of criminal cases. The types of cases commonly handled by the CLU include homicide, sexual assault, multi-jurisdictional crime, white-collar crime, governmental corruption cases, environmental crimes, tax fraud cases on behalf of the Department of Revenue, licensing fraud on behalf of the Department of Licensing, insurance fraud on behalf of the Office of the Insurance Commissioner, and fraudulent worker's compensation claims on behalf of the Department of Labor and Industries. This unit may also assume responsibility for the appellate review of a criminal case originally brought by a county prosecutor if that case involves fundamental issues affecting the public interest and the administration of justice.

Enforcement of Anti-Trust Laws

The Antitrust Division protects the citizens of Washington State from noncompetitive activities such as price-fixing, monopolization, and illegal mergers. The goal of strong anti-trust enforcement is having consumers benefit from fair competition in the form of lower prices or better services. The division files enforcement actions, responds to consumer complaints, provides advice to state agencies, and provides community education and outreach ensuring that consumers will have problems addressed, agencies will prevent problems from occurring, and businesses will become educated about their responsibilities under the antitrust laws.

GOVERNMENTAL OPERATIONS

Enforcement of Consumer Protection Laws

The Consumer Protection Division enforces the Consumer Protection Act, RCW 19.86. The division typically recovers more money on behalf of Washington consumers than the cost of its operation. Currently, the division is focusing on the foreclosure scam and debt collection industries, as well as continuing our enforcement efforts in the automobile and internet fraud sectors. It also takes on non-litigation matters that benefit consumers, such as responding to consumer calls, informally mediating consumer complaints, providing advice to other state agencies, and education and outreach activities. These activities provide consumers and businesses with the tools to educate themselves and make better decisions. The Consumer Protection Division also houses the Lemon Law Administration which promotes timely and effective new motor vehicle warranty service through mandatory arbitration, and the Manufactured Housing Dispute Resolution Unit, which fosters compliance with the Manufactured Housing Landlord Tenant Act through enforcement and investigation and mediation.

Executive Ethics Board

The Executive Ethics Board (EEB) is an independent board with five members appointed by the Governor. The EEB promotes integrity, confidence, and public trust in state government through education, interpretation, and enforcement of the Ethics in Public Service Act (the Act). The Office of the Attorney General provides staff for the Board. Board members meet on a regular basis to interpret the Act for all state agencies, provide advice to agencies regarding ethical issues, promulgate rules to implement the Act, and take enforcement action against state employees who violate the Act. The Board staff investigates complaints filed by public employees and citizens, provides ethics training to all state agencies, and provides advice regarding ethics in the workplace to ensure that state officers and employees perform their public responsibilities with the highest ethical standards and conduct the business of the state to advance the public's interest and not use their position for personal gain or private advantage.

Homicide Investigation Tracking System

The Homicide Investigation Tracking System (HITS) investigators and its data warehouse provide resources to local, state, and federal law enforcement agencies by giving them access to violent crime data and analyses across jurisdictions. Direct investigative assistance is also provided upon request. As a result, public safety is enhanced because violent offenders are identified and apprehended.

Investigation and Defense of Tort Lawsuits

The Torts Division provides high quality and efficient legal services by zealously defending tort claims and lawsuits, engaging in concerted efforts at resolving claims and lawsuits at the earliest stages, and by tracking early resolution rates on a quarterly basis. The division maintains a high rate of litigation success, with many lawsuits dismissed with zero payout, as well as a high rate of appellate success.

Investigation and Prosecution of Medicaid Fraud and Resident Abuse

The Medicaid Fraud Control Unit is a federally mandated and funded investigative and prosecutorial unit staffed by attorneys, auditors, investigators, and support personnel. The mission of the unit is to investigate and prosecute both fraud by health care providers that illegally divert Medicaid funds and the criminal abuse and neglect of residents in Medicaid funded facilities. The unit provides valuable assistance to local law enforcement in investigating and prosecuting crimes committed against vulnerable adults. The unit trains cadets at the Basic Law Enforcement Academy, other investigative agencies, and helps to coordinate the efforts of local vulnerable adult task forces whose missions are to improve the response to crimes committed against this population.

Legal Services to State Agencies

The Office of the Attorney General provides legal advice and representation to over 230 state agencies, boards, and commissions, which collectively have a broad range of program responsibility. In addition to representing agencies in litigation, the office provides legal advice on issues such as personnel, contracts, public records, and specialized program advice. Some program responsibilities supported by the office include state and federal benefit programs administered by state agencies, state licensing and regulatory programs, state agency custodial programs, higher education institutions, natural resources programs, state agency capital construction and equipment acquisitions, state agency revenue and collection programs, and economic development and enterprise activities.